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\$GP 1615

CASE OP/V-30341B

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1615

KIS ET AL.

Examiner: Joynes, Robert M

APPLICATION NO: 10/016,361

FILED: DECEMBER 10, 2001

FOR: AUTOCLAVABLE PHARMACEUTICAL COMPOSITIONS
CONTAINING A CHELATING AGENTAssistant Commissioner for Patents
Washington, D.C. 20231RESPONSE

Sir:

This communication is in response to the Office Action mailed on August 27, 2002. A terminal disclaimer is submitted herewith.

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1 to 14 are pending and are at issue.

The Examiner has rejected claim 1 to 14 for obviousness-type double patenting over commonly owned U.S. Patent 6,395,756. A terminal disclaimer is submitted herewith, disclaiming the term of any patent that issues from the present application that would extend beyond the expiry of U.S. Patent 6,395,756. It is respectfully submitted that the terminal disclaimer submitted herewith overcomes the ground for the obviousness-type double patenting rejection, and the rejection should be withdrawn.

The Examiner has rejected claims 1 to 14 as obvious under 35 U.S.C. § 103(a) over the disclosure of Yanni, U.S. Patent 5,624,893. Applicants respectfully traverse, and request reconsideration.